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November 3, 2004

VIA FIRST CLASS MAIL AND FACSIMILE

Lesley Wolf  
Ropes & Gray LLP  
One International Place  
Boston, MA 02110-2624

Re: Braun v. Rayovac

Dear Lesley:

We write regarding Braun's responses to Rayovac's First Set of Interrogatories. Specifically, we would like to discuss the following issues with you.

1. To the extent that Braun is withholding information on the basis of Braun's General Objection No 4, please identify the specific interrogatories.
2. Similarly, to the extent that Braun is withholding information on the basis of Braun's General Objection No. 5, please identify the specific interrogatories. Alternately, if no information is being withheld, please advise whether you would withdraw the objection.
3. Given that Rayovac has identified prior art and the fact that the date of alleged invention is pertinent to, *inter alia*, claim construction, please advise whether you will withdraw your objection to Interrogatory No. 2 on the ground that it is premature. Likewise, your response indicates that you have information which leads you to believe that conception and reduction to practice occurred before the identified dates. Please identify this information to us.
4. With respect to Interrogatory No. 3, we did not believe that it called for privileged information. Please advise whether we are missing something or whether you will withdraw the objection.
5. Referring to Interrogatory No. 5, insofar as the level of ordinary skill in the art will at a minimum be relevant to the upcoming *Markman* proceedings, we do not believe our request is premature, unduly burdensome, or unlikely to lead to the discovery of

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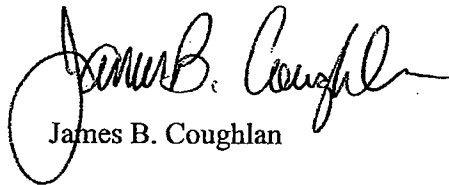
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admissible evidence. Please advise whether you will withdraw each of those objections. Moreover, please advise whether you will supplement your response to specify your contentions as to (1) the educational background of the ordinary artisan and (2) the years of work experience the ordinary artisan would have.

6. Please advise why Braun believes it can decline to answer Interrogatory No. 6. We recognize that responses are subject to supplementation as discovery progresses, but, to the extent that Braun has contentions, we believe we are entitled to them.
7. Referring to Braun's claim charts, please identify the specific structures of the Rayovac accused products that Braun contends constitutes a "cradle structure." We believe that we are entitled to such contentions pursuant to both our interrogatory and the Scheduling Order. Insofar as Braun indicated that it was prepared to move for summary judgment prior to fact discovery, we assume that Braun has already formed its contention on that subject. Please advise.

Thank you in advance for your consideration of the issues set forth above. Several issues are presented here, and it may be helpful to discuss them live. We believe that we have worked cooperatively thus far in the litigation, and it is our hope that we may continue to do so.

Sincerely,



James B. Coughlan

JBC/ar

11/03/04 15:40 FAX 312 861 2200

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James B. Coughlan	October 4, 2004	3	312-660-0433

Message: